

REMARKS

In view of the foregoing amendments and following remarks, reconsideration is requested.

After entry of the foregoing amendments, Claims 1, 9, 23 and 45-46, 49-52, 55-58 and 61-67, of which Claims 1, 9, 23, 45, 46 and 65-67 are independent, are pending in this application. Claims 1, 9, 23 and 45-67 were rejected.

SUMMARY

In response to Applicant's previous arguments, the Final Office Action asserts that "the recited editing means for editing in claims is a mere reproducing means for selecting of a file and points of the recorded still images or pictures on a medium for reproducing from the medium that is well known in the art.[sic]" Also, the Final Office Action asserts that it "is noted that there is no combing or adding the signals or images of the recorded images recited in the claimed. [sic]"

Regarding the first statement, it is an error to ignore the claim language and substitute for it some other language, not in the claims, and to base the rejection on the substituted language. The claims did not recite a "reproducing means for selecting of a file and points of the recorded still images or pictures on a medium for reproducing from the medium." Nonetheless, in view of the comments that "there is no combing or adding the signals or images of the recorded images" in the claims, the Applicant has, in the interest of furthering prosecution, amended the claims to recite *editing* functions including: "select[ing] a plurality of data files from among the data files," "defin[ing] a segment from each of the selected data files," and "order[ing] the defined segments into the sequence of segments." Such words clearly define *how* editing is performed in a way that is not merely "reproducing means for selecting of a file and points of the recorded still images or pictures on a medium for reproducing from the medium."

Given the foregoing amendments, the Applicant's previous arguments, repeated below and modified to address the amended claims, still apply.

In particular, the combination of the applied art in the Office Action is would not have been made by one of ordinary skill in the art. As was pointed out in prior replies, *none* of the cited references describes *any* editing of a sequence of video clips *in the same housing as the camera*. *All* of the cited references use a personal computer, separate from a camera, to perform *any* such editing function. Of the references relied upon (Peters, Reber, Washino I, Washino II

and Bluth), *all* of them have editing functions, if any, in a personal computer and separate from a camera.

Second, the claims cannot be interpreted as the mere selection of a file, and a point in that file, for playback. All of the claims recite “segments” in the *plural*. The claims as amended also indicate that the user determines the order of the segments in a sequence. Thus, there is a sequence (defined by the user) of *multiple segments, each of which* is defined by the user by a. a reference to a data file and b. points designated in the sequence of still images stored in that data file. Thus, the claims do not involve a mere “selecting of a file and points of the recorded still images or pictures on a medium for reproducing from the medium” as asserted by the Office Action. Instead, the claims *do* specify how a moving picture is edited – by enabling a user to specify or define “a sequence of segments” of the various data files that are stored in the camera. It is this edited sequence that is then played back.

Accordingly, the Applicant repeats below, with clarifications, arguments that have been made before.

Rejection Under 35 U.S.C. §103 in view of Peters, Kojima and Reber

Claims 1, 9, 23, 45-56 and 58-67, of which claims 1, 9, 23, 45, 46 and 65-67 are independent, were rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 5,946,445 (“Peters”) and U.S. Patent No. 5,168,363 (“Kojima” et al.) and U.S. Patent No. 5,267,351 (“Reber”)

According to Peters, a system stores audio and/or video material digitally such that it can be randomly and immediately accessed.¹ In Fig. 1 of Peters, “analog video sources 1 and analog audio sources 2 are received by video coprocessor 3 and audio coprocessor 4.”² “Each of the coprocessors digitizes incoming material and stores it on storage devices 5.”³ Such storage is “typically on a magnetic disk or in a computer memory.”⁴ Separate files are created in response to a discontinuity in the video information received. Fig. 1 illustrates that sources of analog video received by the media recorder include such things as a video tape recorder, a video

¹ Peters, col. 2, lines 17-21.

² Peters, col. 2, lines 30-32.

³ Peters, col. 2, lines 35-36.

⁴ Peters, col. 2, lines 18-19.

camera or a video assist of a film camera.⁵ "The storage of clips on disk . . . allows multiple clips to be played back in sequence."⁶ The computer and video system in Fig. 1 can be designed for portability.⁷ In summary, Peters teaches a portable computer system that receives a video signal and stores video information in data files on a digital random-access computer readable and rewriteable recording medium. Notably, Peters neither teaches nor suggests that editing functionality as claimed (in particular, "select[ing] a plurality of data files from among the data files," "defin[ing] a segment from each of the selected data files," and "order[ing] the defined segments into the sequence of segments") should be provided in the same portable housing as a motion video camera.

The Office Action acknowledges that Peters "fails to specifically teach that the motion camera mounted in the housing having the recorder. [sic]"⁸ It is probably more accurately stated that Peters teaches that a motion video camera is separate from Peters' computer system which receives a video signal from such a camera.

Kojima relates to a "video signal processing apparatus for use with a video tape recorder (VTR) with a built in camera."⁹ (emphasis added.) The Office Action asserts that Kojima teaches "combining a camera with recorder for making a portable apparatus is well known".¹⁰ Applicant respectfully disagrees. Kojima teaches nothing more than the fact that it is common to have a video tape recorder (VTR) with a built in camera, as discussed in the Background portion of the Applicants' specification.¹¹ Notably, Kojima neither teaches nor suggests that editing functionality as claimed should be provided in the same portable housing as a motion video camera. While Kojima might suggest that *recording* functionality should be provided in the camera, one cannot draw any such conclusion about *editing* functionality.

The Office Action asserts that Peters as modified with Kojima fails to teach an editing means that identifies a segment using a file and points.¹² However, Applicant disagrees that Peters and Kojima describe any editing means¹³ in the same housing as the camera. While the

⁵ Peters, see Fig. 1.

⁶ Peters, col. 3, lines 32-34.

⁷ Peters, col. 3, lines 43-45.

⁸ Office Action, page 4, lines 2-3.

⁹ Kojima, Fig. 1, and col. 1, lines 10-11.

¹⁰ Office Action, Page 4, lines 3-4.

¹¹ Specification, page 1, lines 13-14.

¹² Office Action, page 4, lines 10-11.

¹³ Except for Kojima's overwriting capability described in connection with Figs. 5 and 6.

Examiner has asserted that *the recorder* of Peters could be combined with a camera, Kojima does *not* suggest that any other functionality in Peters' computer system belongs in the same housing as the camera.

According to Reber, in a nonlinear editing system “[s]ource material from some source (video tape, audio recording, film etc.) is broken down into a series of separate ‘clips’ representing the material desired for the final master, and then reassembling these ‘clips’ into a final sequence achieving the desire of the editor and producer. . . . In a non-linear system the typical approach involved allotting to each clip an associated digitized section of the original source in storage on the system in a ‘media file’.”¹⁴ The Office Action asserts that “the editing of Reber capable using with motion camera [sic]”.¹⁵ Applicant respectfully disagrees. Reber describes, at Col. 1, lines 1-10, what nonlinear editing generally involves:

“Non-linear editing on computer oriented systems involves digitizing media data recorded from a linear source, e.g., a video tape cassette, and storing the digitized media data on a storage device, e.g., a hard disk drive. Once digitized, the media data can be accessed quickly at any point in the linear sequence in which it was recorded so that various portions of the data can be accessed and edited in a non-linear way.”

This portion of Reber has nothing to do with having editing functionality within a camera. The Reber patent does not even include the word “camera.” Accordingly, Reber neither teaches nor suggests that editing functionality as claimed should be provided in the same portable housing a motion video camera.

One way of evaluate the issue of nonobviousness of the present claims is to ask, in view of the prior art, in what system should the claimed editing functions reside? More particularly, what system should provide for “select[ing] a plurality of data files from among the data files,” “defin[ing] a segment from each of the selected data files,” and “order[ing] the defined **segments** into the sequence of **segments**”, as claimed (emphasis on the plural “segments” added)?

None of Peters, Kojima, nor Reber teaches or suggests that the claimed editing functions (namely “select[ing] a plurality of data files from among the data files,” “defin[ing] a segment from each of the selected data files,” and “order[ing] the defined segments into the sequence of

¹⁴ Reber, col. 1, lines 23-32.

¹⁵ Office Action, page 4, line 17.

segments”, as claimed) should be provided in the same portable housing as a motion video camera.

All of the prior art cited in this ground of rejection (and the others below) plainly teach that nonlinear editing of recorded video and audio is performed using a computer system that is in a housing that is separate and distinct from a motion picture camera. None of the prior art relied upon teaches or suggests that the claimed editing functions should reside in the same portable housing as the motion video camera.

Therefore, because none of the references teaches or suggests the claimed combination, the rejection is traversed.

Rejection Under 35 U.S.C. §103 in view of Peters, Kojima, Reber and Uekane

Claims 51 and 57, which are dependent, were rejected under 35 U.S.C. §103(a) in view of Peters, Kojima, Reber, and U.S. Patent 5,559,554 (“Uekane”).

Because claims 51 and 57 are dependent claims, they are allowable for the same reasons as the independent claims as discussed above.

Rejection Under 35 U.S.C. §103 in view of Bluth, Washino I and Reber

Claims 1, 9, 23, 45-47, 58 and 65-67 of which claims 1, 9, 23, 45, 46 and 65-67 are independent, were rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 3,617,626 (“Bluth”) and U.S. Patent No. 5,537,157 (“Washino I”) and U.S. Patent No. 5,267,351 (“Reber”).

The Office Action *yet again* asserts¹⁶ that Bluth teaches a “housing sized to be portable for use by an individual,” referring to Fig. 1 of Bluth. No such housing is shown in Fig. 1 of Bluth. Instead, Fig. 1 is referred to as a “system” throughout Bluth. There is nothing in Bluth that teaches or suggests that all of the components of this system, particularly editing, are found in a portable housing. In particular, Bluth clearly does not teach that the claimed editing functionality is provided in the same portable housing as a motion video camera. Applicant *again* respectfully requests the Examiner to identify some *specific* evidence relied upon for the assertion that Bluth teaches a housing sized to portable by an individual in Fig. 1.

¹⁶ Office Action, page 7, line 6.

Applicant also notes that the Office Action asserts¹⁷ that Bluth discloses a “means for selecting a sequence of the stored sequence still images to be reproduced.” This is not the language used in the claims. The claims recite enabling a user to specify or define “a sequence of segments”, note the plural, “of the sequences of digital still images stored on the digital computer-readable and writable random-access medium.”

Washino I states that *editing* functions are performed *in a personal computer*. In particular, Washino I states “[i]n the preferred embodiment, specialized graphics processing capabilities are included in a high-performance personal computer or workstation, enabling the user to edit and manipulate an input video program and produce an output version of the program in a final format which may have a different frame rate, pixel dimensions or both.”¹⁸ Washino I further states “[t]he system . . . allows an operator to control equipment . . . at a centralized personal computer to produce, edit and record a video program. Each camera to be used with the system . . . feeds a signal to the personal computer . . .”¹⁹ Thus, Washino clearly does not teach that the claimed editing functions are provided in the same portable housing as a motion video camera.

Reber was discussed above. Notably, Reber neither teaches nor suggests that editing functions as claimed should be provided in the same portable housing a motion video camera.

Thus, Bluth, Washino I and Reber plainly teach that nonlinear editing of recorded video and audio is performed using a computer system that is in a housing that is separate and distinct from a motion picture camera.

Not a single one of Bluth, Washino I or Reber describes any editing functionality that is in the same portable housing as a motion video camera. Therefore, it is unreasonable to conclude that one of ordinary skill in the art would have found it obvious from these references to provide for “select[ing] a plurality of data files from among the data files,” “defin[ing] a segment from each of the selected data files,” and “order[ing] the defined segments into the sequence of segments” in the same portable housing as a motion video camera.

Therefore, because none of the references teaches or suggests the claimed combination, the rejection is traversed.

¹⁷ Office Action, page 7, lines 16-17.

¹⁸ Washino I, col. 2, lines 45-51.

¹⁹ Washino I, col. 3, lines 54-60.

Rejection Under 35 U.S.C. §103 in view of Washino II and Reber

Claims 1, 9, 23, 45-47, 58 and 63-67, of which claims 1, 9, 23, 45, 46 and 65-67 are independent, were rejected under 35 U.S.C. §103(a) in view of U.S. Patent No. 5,488,433 (“Washino II”) and U.S. Patent No. 5,267,351 (“Reber”).

According to Washino II, a camera includes a lens and viewfinder mounted on the body of a camera frame, and usual signal processing circuitry.²⁰ The video information may be compressed.²¹ The video information may be stored on a hard disk drive 70.²² For editing to be performed, such editing is performed in a personal computer.²³

Reber was discussed above. Notably, Reber neither teaches nor suggests that editing functionality as claimed should be provided in the same portable housing a motion video camera.

It is inappropriate to rely on the applicants specification, as is done at page 9, lines 19-20, of the Office Action, for any suggestion to combine or modify the teachings of the prior art.

Thus, Washino II and Reber plainly teach that nonlinear editing of recorded video and audio is performed using a computer system that is in a housing that is separate and distinct from a motion picture camera. None of the prior art relied upon teaches or suggests that the claimed editing functionality should reside in the same portable housing as the motion video camera.

Therefore, because none of the references teaches or suggests the claimed combination, the rejection is traversed.

²⁰ Washino II, Fig. 1 and col. 3, lines 20-30.

²¹ Washino II, col. 4, line 57 to col. 5, line 2.

²² Washino II, Fig. 2 and col. 4, line 17.

²³ Washino II, col. 5, lines 13-16.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an additional extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any fee to **Deposit Account No. 50-0876**.

Respectfully submitted,

/Peter J. Gordon/ January 21, 2009

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